

Notice of Allowability

Application No.

10/520,528

Examiner

Tho G. Phan

Applicant(s)

PIOLE, PHILIPPE

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a telephone interview with Mr. Ken Berner on 6/22/06.
2. ☒ The allowed claim(s) is/are 1-14 and 16-24.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1/7/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.



DETAILED ACTION

REMARKS

Examiner telephoned the applicant's representative to suggest that claims 16 and 22-23 be amended to overcome the antecedent basis, that was approved by applicant's representative. The case is now in condition for allowance.

EXAMINER'S AMENDMENT

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with MR. Ken Berner on 6/22/06.

The application has been amended as follows:

In the claims:

Claim 16, line 6, "the" has been deleted.

Claim 22, line 4, "said" has been inserted before – ground--.

Claim 23, line 7, "party" has been changed to – partly--.

Allowable Subject Matter

1. The following is a statement of reasons for the indication of allowable subject matter: Claim 1 is allowable over the art of record because the prior art does not teach an essentially electrically conductive electromagnetic excitation wire arrangement disposed at least in part in the vicinity of and outside the structure and connected to an emitter for causing the structure to radiate substantially hectometric waves, and in combination with the remaining claimed limitations.
2. Claim 16 is allowable over the art of record because the prior art does not teach a conductive electromagnetic excitation loop situated above the ground and outside and near the structure and connected to an emitter for causing the structure to radiate substantially hectometric waves, and in combination with the remaining claimed limitations.
3. Claim 21 is allowable over the art of record because the prior art does not teach a conductive electromagnetic exciting tube substantially extending at least partly outside and along the structure and connected to an emitter for causing the structure to radiate substantially hectometric waves, and in combination with the remaining claimed limitations.
4. Claim 23 is allowable over the art of record because the prior art does not teach an electromagnetic excitation cage including a plurality of parallel conductive wires substantially extending at least partly outside and along the structure and connected to an

emitter for causing the structure to radiate substantially hectometric waves, and in combination with the remaining claimed limitations.

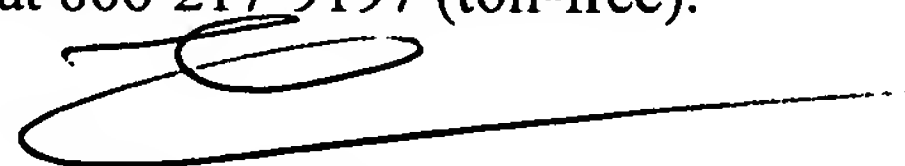
Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Chesneau et al. ('832) and Chesneau et al ('833) are cited as of interested and illustrated a similar structure to an antenna assembly for radiating substantially hectometric waves.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho G. Phan whose telephone number is 571-272-1826. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callahan Timothy can be reached on (571) 272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tho G Phan
Primary Examiner
Art Unit 2821